

REMARKS

Claims 17-25, 27-31, 47-52 and 54-58 are pending in the present application and under examination.

Claims 1-16, 32-46 and 59-93 have been canceled as they relate to non-elected subject matter. Applicants assert that no new matter has been added by this amendment.

Applicants reserve the right to pursue any canceled subject matter in a future applications.

Issues raised in the Office Action are addressed in the order they were raised by the Examiner.

1. Applicants acknowledge that the amendment filed August 28, 2003, has been entered, claims 26 and 53 are canceled, and claims 17 and 47 are amended. However, the amendment of claim 27 was not acknowledged in the Office Action and acknowledgement is respectfully requested.

OBVIOUSNESS-TYPE DOUBLE-PATENTING

2. Claims 17-25, 27-31, 47-52, and 54-58 are rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-35 of U.S. Patent No. 6,552,016.

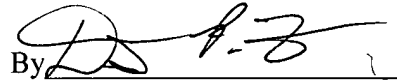
Although Applicants maintain that, for reasons already made of record, the present rejection is unfounded, Applicants are filing herewith a Terminal Disclaimer to expedite allowance of the pending claims. The assignment for the present application to Curis, Inc. was recorded at Reel 012640 and Frame 0909 on April 30, 2003. Applicants respectfully request reconsideration and withdrawal of the rejection in view of the Terminal Disclaimer.

CONCLUSION

In view of the foregoing remarks, Applicants submit that the pending claims are in condition for allowance. Early and favorable reconsideration is respectfully solicited. The Examiner may address any questions raised by this submission to the undersigned at 617-951-7615. Should an extension of time be required, Applicants hereby petition for same and request that the extension fee and any other fee required for timely consideration of this submission be charged to **Deposit Account No. 18-1945** under Order No. CIBT-P02-105 from which the undersigned is authorized to draw.

Dated: December 2, 2003

Respectfully submitted,

By 

David P. Halstead, Ph.D.

Registration No.: 44,735

ROPES & GRAY LLP

One International Place

Boston, Massachusetts 02110-2624

(617) 951-7000

(617) 951-7050 (Fax)

Attorneys/Agents For Applicant